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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,578	12/17/2001	Jon Moran	16356.678 (DC-01611B)	3205
27683	7590	03/16/2004	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			DEBERADINIS, ROBERT L	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,578

Applicant(s)

MORAN, JON

Examiner

Robert DeBeradinis

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The response filed 1/16/04 consists of amending claims 7-14 and remarks related to rejection of claims. The claims are not allowable as explained below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over ODAOHARA 5,969,438 in view of BAILEY 5,739,597.

Regarding claim 7.

ODAOHARA discloses switching circuit (50) and means responsive to application of first voltage (detection circuit) for using the first voltage as the main power supply and preventing a second voltage applied at a second input (15) from being used as the main supply, wherein the second input is a default input; and means responsive to the first voltage not being applied to the first input (25) supplies the second voltage to a PC.

ODAOAHRA does not teach the switching circuit and the detection circuit to be configured on an adapter card.

BAILEY teaches an adapter card design for dual sourced power whereby a first voltage source and a second voltage source is selected dependent on the connection of the connector 98 to provide a single communication adapter card to be

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used to attaché power managed and non-power managed personal computers to a network (abstract).

It would have been obvious to one having ordinary skill in the art at the time of this invention to configure the switching circuit (50) and the detection circuit, disclosed by ODAOHARA, onto an adapter card. The motivation would be to provide backup power to the load

Regarding claim 8.

ODAOHARA in view of BAILEY disclose the adapter card of claim 7.

BAILEY discloses a PC interface (abstract).

Regarding claim 12.

ODAOHARA in view of BAILEY disclose the adapter card of claim 7.

ODAOHARA in view of BAILEY do not disclose the means for regulating the second voltage.

ODAOHARA discloses converter (30) means for regulating selected input voltage.

It would have been obvious to one of ordinary skill in the art at the time of this invention to provide means for regulating the second voltage in the configuration wherein the switching circuit (50) output is the final source output. The motivation would be to provide a regulated second voltage on the output of the switching circuit 50 when the second voltage is selected.

Regarding claims 13, 14.

ODAOHARA in view of BAILEY disclose the adapter card of claim 7.

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ODAOHARA discloses wherein the means responsive to the first voltage being present at the first input comprises at least one transistor (52).

Claims 9, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over ODAOHARA 5,969,438 in view of BAILEY 5,739,597 in further view of RICHTER 6,149,319.

Regarding claims 9-11.

ODAOHARA in view of BAILEY disclose the adapter card of claim 7.

ODAOHARA in view of BAILEY do not teach the first and second voltages to have a voltage level of 3.3 volts or 5.5 volts.

RICHTER discloses a computer system hot adapter for controlling signal levels to peripheral cards and wherein the power supply is controlled by the card controller to provide power to the PCMCIA card through the card socket and a voltage level matching the internal voltage requirements of the PCMCIA card (abstract and figure 11).

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the adapter card disclosed by ODAOHARA in view of BAILEY to provide the first voltage with a level of 5 volts and the second voltage with a level of 3.3 volts (or visa versa) and control the detection circuit with card controller 1204 to select the LPSV power supply or the HPSV power supply depending upon the enable signal provided by card controller 1204 (RICHTER column 23, lines 10-15). The

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motivation would be to provide power to the PCMCIA card through the card socket at a voltage level matching internal voltage requirements of the PCMCIA card (abstract).

Response to Arguments

The Applicant argues that the Examiner fails to present a prima facie case because the references fail to teach or suggest the first card, including a power selector logic, connected to the bus, and a second card, including a power selector logic, connected to the bus, wherein the power selector logic includes means responsive to voltage applied, define by the claim and the Examiner's combination arises solely from hindsight based on the invention without any showing of suggestion, incentive or motivation in either reference for the combination.

The Examiner wishes first to direct the Applicant's attention to ODAOHARA, figure 1.

ODAOHARA teaches:

First power adapter (20) connected to the bus (input to 30);

Second power adapter (10) connected to the bus;

Power selector logic (column 2, lines 37-68);

The power select logic including means responsive to application of a first voltage at a first input (first power adapter 20) for using the first voltage as the main power supply and preventing a second voltage (second power adapter 10) applied at the second input from being used as the main power supply, where the second input is a default input; and .

Means responsive to a first voltage not being applied to the first input for using the second voltage input as the main power.

ODAOHARA does not teach the power selector logic wherein a first card includes power selector logic and a second card includes power selector logic.

BAILEY teaches a card adapter design for dual sourced power includes power select logic having a circuit arrangement for causing an electrical voltage to be supplied to the card from a first voltage source, even if a second voltage source is available (abstract).

It would have been obvious to one having ordinary skill at the time of this invention to modify the teachings of ODAOHARA wherein the switching circuit (50) and the detection circuit (60) are arranged onto an adapter card including AC adapters (10) and (20). The motivation would be to provide an adapter card that would provide AC backup to a system load such as a computer wherein the adapter card would merely be plugged into the motherboard to provide uninterruptible power to the computer.

The Applicant argues that the references do not teach a second card. The second card is merely a duplication of parts from the first card.

The Applicant argues the Examiner's combination arises solely from hindsight based on the invention without any showing of suggestion, incentive or motivation in either reference for the combination. The Examiner refers the Applicant to the above teachings of ODAOHARA in view of BAILEY.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (571) 272 2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272 2800 ext 36. The Fax phone number for this Group is (703) 872 9306.

RLD

FEBRUARY 25, 2004

